

REVISED TEXT AMENDMENT AS RECOMMENDED BY STAFF

Article 3 – Definitions; Terms of Measurement and Calculations

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Public Use Space - An open area associated with and located on the same tract of land as a principal building or group of buildings providing light and air, recreational space, or other similar purpose. Such open area must be accessible for use and enjoyment by the general public, when provided in a residential or mixed-use project and may include space so located and treated as to enhance the amenity of the development by providing landscaping features, screening, or a general appearance of openness. Internal landscaping within a parking facility, as required in Section 4.d of the Landscaping, Screening and Lighting Manual, does not constitute Public Use Space. Development consisting primarily of office and/or industrial uses may provide an Open Area, as defined in Article 3, for the purpose of satisfying the public use space requirement.

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Article 17 – Public Use Space, Landscaping and Screening, Utility Placement and Screening, Lighting, Sidewalks, and Shadows

25.17.01 – Public Use Space

- a. *Purpose* – Public use space requirements are intended to promote an appropriate balance between the built environment, public parks and other open spaces intended for respite from urban development, and to protect natural features and preserve the character of the City.
- b. *General Requirements* – Where provided, such public use space must be accessible for use and enjoyment by the general public when provided in a residential or mixed-use project. [and may include space so located and treated as to enhance the amenity of the development by providing landscaping features or a general appearance of openness]. Development consisting primarily of office and/or industrial uses may provide an Open Area, as defined in Article 3, for the purpose of satisfying the public use space requirement. The Approving Authority may allow reasonable limitations on access to the public use space to meet safety or security concerns.

1. Where development does not comply with the public use space requirement, the following regulations apply:

- (a) Building expansions or cumulative additions that exceed 50 percent and up to 100 percent of the existing gross floor area must provide a proportionate amount of public use space on site using a factor of 0.2 times the percentage increase in gross floor area up to the required 20 percent public use space requirement (example: 75 percent increase in existing gross floor area x 0.2 = 15 percent public use space requirement).
 - (b) Any building expansion or cumulative additions that exceeds 100 percent of the existing gross floor area must provide public use space as set forth in Section 25.13.05.b.1.
- b. *Dedication of Public Use Space* – Land may be dedicated to the City for public use in connection with the approval of a site plan or subdivision for the purpose of providing public parks, open areas, or recreation areas that will be owned and operated as part of the City’s public park system. Dedication must be made consistent with the recommendations of the relevant Plan indicating the locations where such public use space is desired.

Definition of Open Area (provided as supplemental information)

Open Area – An area of land associated with and located on the same tract of land as a major building or group of buildings providing light and air, scenic or recreational space, or other similar purpose.

- 1. Open area, shall, in general, be available for entry and use by the occupants of the building involved, but may include space so located and treated as to enhance the amenity of the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness.
- 2. Open area may include, but not be limited to, lawns, decorative planting, sidewalks and walkways, and active and passive recreation areas, including children’s playgrounds, fountains, swimming pools, wooded areas, and watercourses; but shall not include parking lots or vehicular surfaces, accessory buildings other than swimming pools, or areas of open space so located or so small or so circumscribed by buildings, parking, or drainage areas as to have no substantial value for the purpose stated in this paragraph.